

BRUCE L. SIMON (Bar No. 96241)

bsimon@pswplaw.com

WILLIAM J. NEWSOM (Bar No. 267643)

wnewsom@pswplaw.com

**PEARSON, SIMON, WARSHAW & PENNY, LLP**

44 Montgomery Street, Suite 2450

San Francisco, California 94104

Telephone: (415) 433-9000

Facsimile: (415) 433-9008

*Attorneys for Plaintiff Reuben Reyes*

FILED FOR REUBEN J. REYES

KAMALA D. HARRIS

Attorney General of California

DANIELLE F. O'BANNON

Supervising Deputy Attorney General

MICHAEL J. QUINN

Deputy Attorney General

State Bar No. 209542

455 Golden Gate Avenue, Suite 11000

San Francisco, CA 94102-7004

Telephone: (415) 703-5726

Fax: (415) 703-5843

E-mail: Michael.Quinn@doj.ca.gov

*Attorneys for Defendants Fischer, Harrison, Horel,*

*Terry, Chadwick, and Berkler*

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

**REUBEN J. REYES,**

Plaintiff,

**v.**

**WARDEN ROBERT HOREL, et al.,**

Defendants.

C 08-4561 RMW (PR)

**STIPULATION AND []  
ORDER OF VOLUNTARY DISMISSAL  
WITH PREJUDICE**

1           1.       The following stipulation requests that under Federal Rule of Civil  
2 Procedure 41(a)(1)(A)(ii), and pursuant to the Settlement Agreement and Full and Final Release  
3 of All Claims, the above entitled action shall be dismissed with prejudice as to all Defendants.

4                               **STIPULATION**

5           Pursuant to Civil Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff Reuben  
6 Reyes and Defendants Horel, Terry, Chadwick, Harrison, Fischer, and Berkler, (collectively, the  
7 "Parties") by and through their respective counsel, stipulate and request as follows:

8           1.       WHEREAS, on August 31, 2012, the Parties held a settlement conference  
9 before Magistrate Judge Nandor Vadas;

10          2.       WHEREAS, the Parties reached an agreement to settle the case in  
11 exchange for a full and final release of all claims;

12          3.       WHEREAS, counsel for the Parties and each of the Parties have agreed to  
13 a Settlement Agreement and Full and Final Release of All Claims;

14          NOW, THEREFORE, IT IS HEREBY STIPULATED AND REQUESTED that, under  
15 Federal Rule of Civil Procedure 41(a)(1)(A)(ii), and pursuant to the Settlement Agreement and  
16 Full and Final Release of All Claims, the above entitled action shall be dismissed with prejudice  
17 as to all Defendants.

**E-FILING ATTESTATION**

By his signature below, and pursuant to General Order 45, counsel for Defendant attests that counsel for all parties whose electronic signatures appear below have concurred in the filing of this Stipulation.

Dated: October 24, 2012

By: /s/ William J. Newsom  
PEARSON, SIMON, WARSHAW & PENNY, LLP  
*Attorneys for Plaintiff REUBEN JOSEPH REYES*

Dated: October 24, 2012

By: /s/ Michael J. Quinn  
Deputy Attorney General  
*Attorneys for Defendants FISCHER, HARRISON, HOREL, TERRY, CHADWICK, and BERKLER*

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: FEB 15 2013



The Honorable Ronald M. Whyte

United States District Court Judge